

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-42352 of 2022

Date of Decision:20.09.2022

Dharam Pal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H. S. Dhandi, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.13 dated 15.04.2020, under Sections 188, 269 and 270 of the IPC and Section 21(1) of the Mining Act, registered at Police Station Dhilwan, District Kapurthala.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody for the last one month and fourteen days and as per the allegations stated in the FIR, the petitioner was driving a tractor having sand in trolley and was stopped by the police on the ground that a curfew was imposed due to Covid-19 pandemic and restrictions have been imposed under Section 144 of the Code of Criminal Procedure and on this ground the present FIR was lodged. He submitted that later on the provisions of Section 21(1) of the Mining Act were also added wrongly. He has submitted that the challan has already been presented to the competent Court after completion of the investigation of the case and no recovery

is to be effected from the petitioner and he has clean antecedent as he is not involved in any other case. Therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, AAG, Punjab has submitted custody certificate in Court and as per the custody certificate, the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last one month and fourteen days and he is not involved in any other case. A perusal of the FIR would show that the petitioner was apprehended on the basis of violation of curfew order but he has already faced incarceration for about 1½ months and the provisions of the Mining Act were added later on. As per the learned counsels for the parties, challan has already been presented after completion of the investigation of the case and further no recovery is to be effected from the petitioner.

In view of the aforesaid position, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 20, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No